

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE INCLUSIVE ACCESS COURSE
MATERIALS ANTITRUST LITIGATION

MASTER FILE NO.
20 MDL NO. 2946 (DLC)

This Document relates to:

20cv6339

**DECLARATION OF SUZANNE L. TELSEY IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS RETAILER PLAINTIFFS' CLAIMS AGAINST
EDUCATIONAL PUBLISHERS ENFORCEMENT GROUP**

I, Suzanne L. Telsey, hereby declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an Associate General Counsel of McGraw Hill LLC ("McGraw Hill"). I have worked with the Educational Publishers Enforcement Group ("EPEG") publishers on piracy matters on behalf of McGraw Hill for over 10 years.
2. EPEG is a group currently made up of five publishers: McGraw Hill LLC, Pearson Education, Inc., Cengage Learning, Inc., Macmillan Learning, and Elsevier Inc.
3. The EPEG publishers work to combat piracy of their intellectual property, including counterfeiting of books and related materials. EPEG's sole focus is on efforts by the publishers to protect their respective intellectual property.
4. The EPEG publishers have created a website, <http://stopcounterfeitbooks.com/>, to aid their efforts to combat piracy. Through the website, the publishers seek to educate the public and booksellers about piracy issues, including the problems associated with counterfeit textbooks

and related materials. The website also seeks to educate the public and booksellers on how to identify, report, and surrender counterfeit textbooks to the relevant publishers.

5. In addition to the operation of the website, the publishers' efforts to combat print counterfeiting include the development of Anti-Counterfeit Best Practices, which are voluntary guidelines for textbook distributors, designed to help textbook distributors avoid, identify and surrender print counterfeit textbooks. They were developed based on input from numerous textbook distributors received over many years. These guidelines have been widely adopted by textbook distributors around the country.

6. As part of their anti-piracy efforts, the publishers regularly assert legal claims, including by filing lawsuits, against individuals and entities that have been identified as importing, reproducing, or distributing counterfeit textbooks or assisting and/or profiting from the importation, reproduction or distribution of the publishers' copyrighted works. The lawsuits are filed in the names of the individual publishers whose copyrighted works have been infringed, either jointly or individually, depending on the factual circumstances. Because there is no such entity as EPEG and EPEG as a group owns no copyrights or trademarks, EPEG is never a party to the lawsuits.

7. In order to communicate the importance of respecting copyrights, the publishers will from time to time post a story on the EPEG website at <http://stopcounterfeitbooks.com/about/faq/> ("What Anti-Counterfeiting Lawsuits did the Publishers file on August 17, 2017?") and in the "News" section at <http://stopcounterfeitbooks.com/news/#11-25-2019>. The hope is that by publishing stories there about enforcement it will help deter other would-be infringers.

8. EPEG is not incorporated, nor has it been registered in any manner in any state.

9. EPEG does not have a set of bylaws, or a charter that forms or organizes the group.
10. EPEG does not have officers, directors or employees.
11. EPEG does not own any copyrights or trademarks.
12. EPEG does not have an office or place of business. It does not have a mailing address.
13. EPEG does not have a bank account or any assets or obligations.
14. EPEG has never transacted business.

Dated: New York, New York
December 4, 2020

Sam T. Wel